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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,820	12/13/1999	WUPING DONG	FUJI-111	9320
23995 7590 04/02/2007 RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER PASS, NATALIE	
			ART UNIT	PAPER NUMBER
			3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/458,820

Applicant(s)

DONG, WUPING

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Notice to Applicant*

1. This communication is in response to the amendment filed 4 January 2007. Claims 1-2 have been amended. Claims 1-6 are currently pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoolery et al., (U.S. Patent 5, 570,283), in view of article, "The Impact of Electronic Commerce on the Travel Industry" June 1996. URL:  
<<http://groups.haas.berkeley.edu/citm/publications/papers/wp-1017.html>>, hereinafter known as Bloch, Rangan (U.S. Patent 6,412, 073), Garback (U.S. Patent 5,237,499), and Vance et al., (U.S. Patent 6, 442,526) for substantially the same reasons given in the prior Office Action (paper number 20060804). Further reasons appear hereinbelow.

(A) Claim 1 has been amended to include the recitation of:

- "without the aid of said net server", at line 24; and
- "provided by the selected external reservation system", at line 25.

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As per these new limitations, Shoolery, Bloch, Rangan, Garback, and Vance teach a booking and issuing method as analyzed and discussed in the prior Office Action (paper number 20060804), further comprising

completing, without the aid of said net server, a booking through said website provided by the selected external reservation system (Garback; see at least Figure 2, column 2, line 54 to column 3, line 52, column 4, lines 33-41, column 4, line 63 to column 5, line 61); Examiner interprets Garback's teachings of "interface between the individual travel requests entered into the system (which are expressed in terms of departure city and destination city) and the various airline CRS systems [reads on "the selected external reservation system"]" (Garback; column 2, lines 57-60) and "the terminal may be a personal computer which is in communication with the system of the present invention via ... [...] ... a wide area network [reads on the Internet]" (Garback; column 3, lines 17-20) and "[a] terminal 22 permits the individual group member to enter his/her travel requests on a data entry means, such as keyboard 24, and also to view travel information provided by the system of the present invention via a display means such as screen 26. Terminal 22 may be a dedicated terminal or it may be existing equipment. Since terminal 22 includes both data entry means and display means, the individual group member can interactively interrogate the system. In one embodiment of the present invention, the terminal 22 comprises a personal computer with a modem and suitable communications software so that the individual group member may access the system 10 via telephone lines, either through a local area network 30, or, alternatively, through a wide area network 32 [reads on the Internet, or "a website provided by the selected external reservation system"]" (emphasis added) (Garback; column 4, line 62 to column 5, line 9) in Garback's invention that includes "a computer system

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by which an individual business traveler may book an itinerary, including airline flights, hotel reservations and, if necessary, ground transportation, for a specific venue in a process which takes only 30 to 40 seconds” (Garback; column 2, lines 19-23) to teach a form of completing, without the aid of said net server, a booking through said website provided by the selected external reservation system.

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action (paper number 20060804, section 4, pages 3-9), and incorporated herein.

The motivations for combining the respective teachings of Shoolery, Bloch, Rangan, Garback, and Vance are as given in the rejection of claim 1 in the prior Office Action (paper number 20060804) and incorporated herein.

(B) Amended system claim 2 recites the limitations of amended method claim 1, respectively. As the elements features of amended claim 1 have been shown to be either disclosed by or obvious in view of the collective teachings of Shoolery, Bloch, Rangan, Garback, and Vance, it is readily apparent that the system disclosed by the applied prior art performs the recited underlying functions. As such, these limitations recited in amended claim 2 are rejected for the same reasons given above for amended method claim 1, and incorporated herein.

The motivations for combining the respective teachings of Shoolery, Bloch, Rangan, Garback, and Vance are as given in the rejection of claim 1 in the prior Office Action (paper number 20060804) and incorporated herein.

(C) Claims 5-6 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20060804, section 4, pages 9-10), and incorporated herein.

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4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoolery et al., (U.S. Patent 5, 570,283), in view of article, "The Impact of Electronic Commerce on the Travel Industry" June 1996. URL: <http://groups.haas.berkeley.edu/citm/publications/papers/wp-1017.html>, hereinafter known as Bloch, Rangan (U.S. Patent 6,412, 073), Garback (U.S. Patent 5,237,499), and Vance et al., (U.S. Patent 6, 442,526), as applied to claims 1 and 2 above, and further in view of Tagawa (5,732, 398) for substantially the same reasons given in the prior Office Action (paper number 20060804). Further reasons appear hereinbelow.

(A) Claims 3-4 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20060804, section 5, pages 10-12), and incorporated herein.

### ***Response to Arguments***

5. Applicant's arguments filed 4 January 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 4 January 2007.

At pages 6-8 of the 4 January 2007 response, Applicant argues that the features in the Application are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes as missing in the applied references have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Shoolery, Bloch, Rangan, Garback, Vance and Tagawa, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as

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detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (paper number 20060804), and incorporated herein.

Specifically, Examiner notes that the recited features of “sending home page addresses of said external reservation systems from said local computer to said personal computer via said local area network” are taught by the combination of applied references. In particular, Examiner interprets Bloch’s teachings of “CRS will have to become better at integrating all the travel information currently available ... [...] ... our vision of travel integrators who will understand customer needs, select the right information on the Web for them [Examiner interprets this to teach “home page addresses of said external reservation systems”], package and present it attractively [Examiner interprets this to teach “sending ... from said local computer to said personal computer via said local area network in accordance with said ticket booking commencement request”]” (Bloch; page 7, paragraph 9) in order to enable “direct customer access” (Bloch; page 7, paragraph 10), when taken together with Bloch’s teachings of “new advances in technology mostly concern the consumer's direct access to information, through computer networks ... [...] ... recent months have seen most providers set-up sites on the World-Wide-Web or open access to their reservations networks ... [...] ... Southwest Airlines adds a reservation and ticketing system, allowing to order and pay for tickets, while the Internet Travel Network offers a gateway to the Apollo CRS [computer reservation system], allowing anyone to get schedule and fare information for any airline” (Bloch; page 6, paragraph 2) and “corporations ... [have been pushed] ... to redesign their travel management processes and support them with automated tools [10]. Such systems are also being standardized by CRS providers who now offer them as turn-key solutions, linked to their own databases. For instance,

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American Airlines' SABRE subsidiary offers corporations their Business Travel Solutions, a PC package which every traveler in a company can use to get travel and fare information, book air, hotel and cars and do his/her expense management when coming back. The program uses a local area network to communicate with a SABRE server on the company's premises, itself linked to the SABRE network via a dedicated communication line (Bloch; page 6, paragraph 3) and "information brokers to pass information [such as home page addresses] from product suppliers to customers ... [...] ... and advisors to provide added-value information to their customers, assisting them in their choice of specific products and destinations" together with "[e]lectronic commerce technology can be used to increase convenience (product leadership) in buying travel (workflow automation, links with information servers, reservations from a laptop while traveling), reduce transaction costs (cost advantage, by suppressing unnecessary human intervention) and improve the service delivered to individual users (customer focus)" as teaching a form of sending home page addresses of said external reservation systems from said local computer to said personal computer via said local area network.

At pages 6-8 of the 4 January 2007 response, Applicant analyzes the applied references separately and argues each of the references individually. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test



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is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Furthermore, the issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lahu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, Examiner respectfully notes that it is the entire combined applied reference(s), and not only the cited passages that must be considered when evaluating whether or not the applied references teach the cited limitations.

With regard to Applicant's arguments in paragraph 1 on page 7 of the 4 January 2007 response that the Block reference fails to teach generating, in said personal computer, booking data of a predetermined format, the booking data of the predetermined format including the booking number, Examiner respectfully disagrees; Examiner interprets Bloch's teachings of "ticketless travel as an enabler for all sorts of automated delivery channels ... [...] ... Customers get a number which matches their reservation record in the computer system" (Bloch; page 6, paragraph 4) to teach a form of generating, in said personal computer, booking data of a predetermined format, the booking data of the predetermined format including the "reservation number" (reads on "booking number").

With regard to Applicant's arguments in paragraph 2 on page 7 of the 4 January 2007 response that "neither Shoolery nor Bloch, nor the other references, would have led an ordinary skilled person to use a PC to make a booking directly with an external reservation system, based on homepage addresses sent by a net server" and Applicant's arguments in the paragraph

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bridging pages 7-8 regarding the limitations in claim 2 which recite the same features in a “means-plus-function” format, Examiner respectfully notes that this is not a claimed limitation.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied reference Iyengar et al., United States Patent Number 6,360,205, and the article teach the environment of online travel reservation systems.

Travelocity website (which includes link to Sabre website, which includes link to AmericanAir website), June 1997. [Retrieved on March 28, 2007]. Retrieved from the Internet: URLs: < <http://web.archive.org/web/19970622100501/www.travelocity.com/>>,  
<<http://web.archive.org/web/19970203080121/www.sabre.com/>>,  
<[http://web.archive.org/web/19961028011809/www.americanair.com/aa\\_home.htm](http://web.archive.org/web/19961028011809/www.americanair.com/aa_home.htm)>.

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks  
Washington D.C. 20231

**or faxed to:** (571) 273-8300.

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For formal communications, please mark  
"EXPEDITED PROCEDURE".

For informal or draft communications, please label  
"PROPOSED" or "DRAFT" on the front page of the  
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

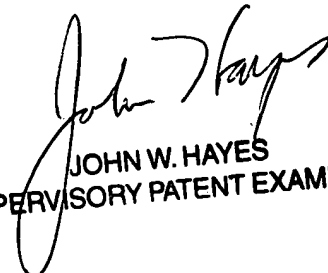
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Natalie A. Pass

March 29, 2007

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER